

REMARKS

Undersigned Applicants' representative wishes to thank Examiner Boykin for the helpful and courteous discussion regarding the merits of this application held on August 18, 2004. The substance of this discussion will be expanded upon in the remarks made below. The suggestions made by the Examiner in both the interview and the Office Action have been adopted, therefore obviating the indicated rejections.

Responsive to the Office Action mailed 06/24/2004, the provisional rejection of claims 1-17 under the judicially created doctrine of double patenting over claims 1-100 of copending application serial No.: 10/698,397 is respectfully traversed. The first paragraph, second page of the above identified Office Action, refers to claims 1-100 of the present application and to claims 1-17 of the copending application 10/698,397. As Examiner Boykin has recognized on page 1 of the above identified Office Action the present application, as originally filed contained 1-17 claims, while the copending application 10/698,397, contained 1-100 claims as originally filed. It appears that the number of claims of the two applications have been accidentally reversed by the Examiner.

It is believed that the amendment to claim 1 obviates the rejection. Thus, the claims of the present application are distinct from the claims of copending application 10/698,397 in that the claims of 10/698,397 require a cosolvent. Further Claim 1 of the copending application 10/698,397, as presently amended, recites the cosolvents in a Markush group, thus distinguishing the cosolvent from the term "a mixture thereof" recited in Claims 1 and 11 of the present application. Accordingly, Applicants respectfully request the withdrawal of the provisional rejection.

In addition, as discussed with Examiner Boykin in the above mentioned interview, the present application is assigned to Folia, Inc. by one of the inventors, namely Graham Swift, and to the United States of America as represented by the Secretary of Agriculture by the additional Inventors, namely, K.M. Doll, R.L. Shogren, R.A. Holser and L. Willett. In contrast the copending application 10/698,397 is assigned solely to Folia, Inc by the sole inventor, Graham Swift. Accordingly, the two applications are not owned by the same entity. Copies of pertinent Assignment

Appl. No.: 10/698,398
Amdt. Dated 08/19/2004
Reply to Office action of 06/24/2004

instruments filed at the USPTO, including date stamped filing receipts, are attached herewith in accordance with Examiner Boykin's request.

A marked-up sheet of the amended claim is attached herewith.

Having complied with the suggestions by Examiner Boykin Applicants submit that the application is now ready for allowance and early notification to that effect will be greatly appreciated.

Customer No.: 28727

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Stamatios Mylonakis', is written over the typed name.

Stamatios Mylonakis, Ph.D.
Registration No. 42,921
Tel.: (301) 527-1531

MARKED-UP SHEET

Claim1. A method for preparing a polysuccinimide, which comprises, subjecting aspartic acid to polymerization in a solvent of supercritical fluid to form a polysuccinimide; wherein said supercritical fluid is selected from the group consisting of CO₂, NH₃, H₂O, N₂O, xenon, krypton, methane, ethane, ethylene, propane, pentane, methanol, ethanol, isopropanol, isobutanol, CClF₃, CFH₃, cyclohexanol, CS₂ and a mixture thereof.



THE OFFICIAL DATED STAMP HEREON BY THE
U.S.P.T.O. ACKNOWLEDGES RECEIPT OF THE
FOLLOWING:

APPLICATION OF: Graham Swift et al

SERIAL No.: New Application

FILING DATE:

DOCKET No.: 103-007-CIP;

☐ EXPRESS MAIL LABEL No.:

☒ HAND CARRIED



ENCLOSURE(S):

1. Application (Disclosure 17 pages, 17 Claims, 2 Drawing)
2. Cover Letter/Authorization to Charge (2 page)
3. White Advance Serial Number Card (1 page)
4. Credit Card Payment Form (1 page)
5. Application Data Sheet (2 pages)
6. Utility Patent Application Transmittal (1 page)
7. Transmittal Form (1 page)
8. Fee Transmittal (1 page)
9. Fee Determination Record (1 page)
10. Declaration of Utility (4 pages)
11. Power of Attorney (5 pages)
12. Associate Power of Attorney (1 page)
13. Recordation Form Cover Sheet (2 pages)
14. Assignment of Application (2 pages)
15. IDS (1 page and 5 references)



Form PTO-1595
(Rev. 03/01)

OMB No. 0651-0027 (exp. 5/31/2002)

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U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Graham Swift

Additional name(s) of conveying party(ies) attached? ☒ Yes ☐ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: 10/30/2003

2. Name and address of receiving party(ies)

Name: Folia, Inc.

Internal Address: _____

Street Address: 2800 Milan Court

City: Birmingham State: AL Zip: 35211

Additional name(s) & address(es) attached? ☐ Yes ☐ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: 10/30/03

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☐ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Ralph N. Runge

Internal Address: Folia, Inc.

Street Address: 2800 Milan Court

City: Birmingham State: AL Zip: 35211

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

- ☒ Enclosed
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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Stamatios Mylonakis

Name of Person Signing

Signature

10/31/03
Date

Total number of pages including cover sheet, attachments, and documents: 1

Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

ASSIGNMENT

WHEREAS, we, Kenneth M. Doll, Randal L. Shogren, Ronald A. Holser, and

Julious L. Willett

residing at 6516 N. University Street, #1304, Peoria, Illinois 61614;

23101 N. Berchtold Road, Chillicothe, Illinois 61523;

25807 County Road 2500 East, Manito, Illinois 61546; and

1069 Johnson Street, Morton, Illinois 61550; respectively,

having invented an improvement in Synthesis of Polysuccinimide and

Copoly(succinimide-aspartate) in a Supercritical Fluid

with Graham Swift

for which we have made application for Letters Patent of the United States, executed concurrently herewith and identified as Docket No. **103-007-CIP**;

WHEREAS, the WORLDWIDE patent rights in our share of said invention are assignable to the United States by virtue of our having made the invention while in the employ of the United States Department of Agriculture under applicable law and regulations of the United States Department of Agriculture which render the patent rights so assignable; and

WHEREAS, the United States, as represented by the Secretary of Agriculture, is desirous of acquiring an assignment of said patent rights;

NOW, THEREFORE, in consideration of these premises, we hereby assign said WORLDWIDE patent rights to the United States of America, as represented by the Secretary of Agriculture.



(signature) **KENNETH M. DOLL**

10-29-03

(date)



(signature) **RANDAL L. SHOGREN**

10/28/03

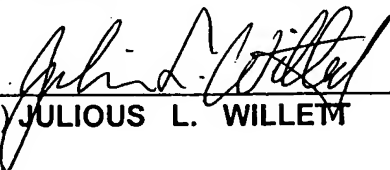
(date)



(signature) **RONALD A. HOLSER**

10/18/2003

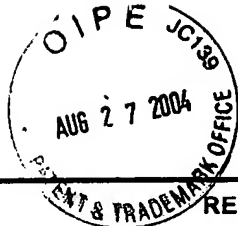
(date)



(signature) **JULIOUS L. WILLET**

10/28/03

(date)



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Kenneth M. Doll; Randal L. Shogren;
Ronald A. Hosler; Julious L. Willett

Additional name(s) of conveying party(ies) attached? ☒ Yes ☐ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: 10/28/2003

2. Name and address of receiving party(ies)

Name: United States/USDA

Internal Address: USDA

Street Address: 1815. University Street

City: Peoria State: IL Zip: 61604

Additional name(s) & address(es) attached? ☐ Yes ☐ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: 10/28/03

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☐ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Ms. Cheryl Whitehurst

Internal Address: USDA

Street Address: 1815 N. University Street

City: Peoria State: IL Zip: 61604

6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

- ☒ Enclosed
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Stamatios Mylonakis

Name of Person Signing

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Date

Total number of pages including cover sheet, attachments, and documents: 1

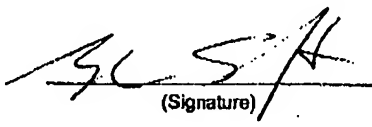
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Washington, D.C. 20231

PTO/SB/13 (02-01)

Approved for use through 05/31/2002. OMB 0651-0027

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ASSIGNMENT OF APPLICATION	Docket Number (Optional) 103-007-CIP
<p>Whereas, I/We, <u>Graham Swift</u> of <u>Chapel Hill, NC</u>, hereafter referred to as applicant, have invented certain new and useful improvements in <u>Synthesis of Polysuccinimide and Copoly(succinimide-aspartate) in a Supercritical Fluid</u></p> <p><input type="checkbox"/> for which an application for a United States Patent was filed on _____ Application Number _____</p> <p><input checked="" type="checkbox"/> for which an application for a United States Patent was executed on <u>October 30, 2003</u>, and</p> <p>Whereas, <u>Folia, INC</u> of <u>Birmingham, AL</u> herein referred to "assignee" whose mailing address is <u>2800 Milan Court, Birmingham</u> is desirous of acquiring the entire right, title and interest in the same;</p> <p>Now, therefore, in consideration of the sum of <u>one</u> dollars (\$ <u>1.00</u>), the receipt whereof is acknowledged, and other good and valuable consideration, I/We, the applicant(s), by these presents do sell, assign and transfer unto said assignee the full and exclusive right to the said invention in the United States and the entire right, title and interest in and to any and all Patents which may be granted therefor in the United States. I/We hereby authorize and request the Commissioner of Patent and Trademarks to issue said United States Patent to said assignee, of the entire right, title, and interest in and to the same, for his sole use and behoof; and for the use and behoof of his legal representatives, to the full end of the term for which said Patent may be granted, as fully and entirely as the same would have been held by me had this assignment and sale not been made.</p> <p>Executed this <u>30th</u> day of <u>October</u>, 20<u>03</u> at _____</p> <div style="text-align: right; margin-top: 20px;">  (Signature) </div> <p>State of _____) County of _____) SS:</p> <p>Before me personally appeared said _____ and acknowledged the foregoing instrument to be his free act and deed this _____ day of _____, 20____.</p> <p style="text-align: center;">Seal (Notary Public)</p> <p><small>Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. See below.</small></p> <p>* <input checked="" type="checkbox"/> Total of <u>2</u> forms are submitted.</p>	

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